

REMARKS/ARGUMENTS

Claims 1 through 7 are currently pending in this application. Upon entry of this amendment, claims 1 through 9 will be pending in the application. Claim 1 is amended to include a period at the end of the claim. New claims 8 and 9 have been added. No new matter has been added to the claims. Support for claims 8 and 9 can be found at least at pages 8 and 9 of the present specification.

With respect to the defective Oath and Declaration, please find enclosed a copy of the Oath and Declaration bearing initialed and dated alterations. As such, it is respectfully submitted that the enclosed Oath and Declaration cures the noted defects.

Claims 1 through 7 stand rejected under 35 U.S.C. §102 (e) as being anticipated by U.S. Patent No. 6,820,014 B2 to Ferrero et al. (Ferrero).

Claim 1 recites a method for predicting the PFA value of a sunscreen composition. The method comprises the steps of determining *in vivo* SPF; determining *in vitro* SPF based on an absorbance spectrum in a UV region for the sunscreen composition; and calculating the PFA-PPD *in vitro* based on an integration area of a UVA1 region.

Ferrero describes a method for determination of realistic UV protection factors or broad spectrum indices of a sunscreen preparation. Ferrero's calculations and determinations of realistic UV protection factors require calculations across a wavelength range of 290 nm to 400 nm (UVA1 +UVA2).

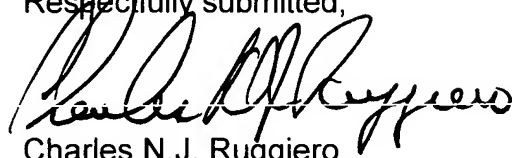
Applicants respectfully submit that Ferrero clearly fails to disclose or suggest the claimed method of *in vitro* prediction of sunscreen PFA values. Notably, in contrast to the claimed invention, Ferrero fails to disclose or suggest the step of calculating the PFA-PPD *in vitro* based on an integration area of a **UVA1** region (340 nm to 400 nm), as recited in claim 1. As noted in the Examples disclosed on pages 11-13 of the present specification, the method according to the claimed invention using an integration area in the UVA1 region only unexpectedly provides more accurate predictions than those predicted using an integration area in the UVA1 + UVA2 region, as in Ferrero.

Accordingly, it is respectfully submitted that Ferrero fails to disclose or suggest each and every element of the claimed invention. As such, reconsideration and withdrawal of the §102(e) rejection of claims 1 through 7 are respectfully requested.

Applicants respectfully request favorable consideration and the application
be passed to allowance.

August 19, 2005

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Charles N.J. Ruggiero". The signature is fluid and cursive, with the first name "Charles" being more prominent.

Charles N.J. Ruggiero
Attorney for Applicants
Reg. No. 28,468
Ohlandt, Greeley, Ruggiero
& Perle, L.L.P.
One Landmark Square, 10th Floor
Stamford CT 06901-2682
Tel: 203-327-4500
Fax: 203-327-6401